

52:27D-126e

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(Construction permits)

**NJSA:** 52:27D-126e

**LAWS OF:** 1996 **CHAPTER:** 92

**BILL NO:** A265

**SPONSOR(S):** Bateman and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Appropriations; Housing

**SENATE:** Community Affairs

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
Third reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 30, 1996

**SENATE:** June 27, 1996

**DATE OF APPROVAL:** July 26, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes Also attached: statements  
adopted 6-20-96 & 5-6-96

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes 3-4-96 & 2-22-96

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBP:pp

P.L. 1996, CHAPTER 92, *approved July 26, 1996*  
Assembly, No. 265 (*Third Reprint*)

1 AN ACT concerning the waiver of enforcing agency fees in certain  
2 circumstances and amending <sup>3</sup>[P.L.1975, c.217] P.L.1989, c.223  
3 and P.L.1975, c.291<sup>3</sup>.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 1 of <sup>3</sup>[P.L.1975, c.217] P.L.1989, c.223<sup>3</sup>  
9 (C.52:27D-126e) is amended to read as follows:

10 1. Notwithstanding the provisions of the "State Uniform  
11 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or  
12 any rules, regulations or standards adopted pursuant thereto, to the  
13 contrary, the governing body of any municipality which has appointed  
14 an enforcing agency pursuant to the provisions of section 8 of  
15 P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide that no  
16 person shall be charged a construction permit surcharge fee or  
17 enforcing agency fee for any construction, reconstruction, alteration  
18 or improvement designed and undertaken solely to promote  
19 accessibility by **[the handicapped]** disabled persons to an existing  
20 public or private structure or any of the facilities contained therein.

21 <sup>2</sup>**[A]** The ordinance may further provide that a<sup>2</sup> disabled person<sup>3</sup>,  
22 or a parent or sibling of a disabled person,<sup>3</sup> <sup>1</sup>[seeking to promote  
23 accessibility to his own living unit]<sup>1</sup> shall not be required to pay any  
24 municipal fee or charge<sup>3</sup> [including fees related to site plan review.]<sup>3</sup>  
25 in order to secure a construction permit for any construction,  
26 reconstruction, alteration or improvement <sup>1</sup>which promotes  
27 accessibility<sup>1</sup> to <sup>1</sup>[that] his own living<sup>1</sup> <sup>3</sup>[unit] unit<sup>3</sup>.

28 For the purposes of this section, "**[handicapped]** disabled person"  
29 means a person who has the total and permanent inability to engage in  
30 any substantial gainful activity by reason of any medically determinable  
31 physical or mental impairment, including blindness, and shall include,

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHO committee amendments adopted February 22, 1996.

<sup>2</sup> Assembly floor amendments adopted May 6, 1996.

<sup>3</sup> Senate floor amendments adopted June 20, 1996.

1 but not be limited to, any resident of this State who is disabled  
2 pursuant to the federal Social Security Act (42 U.S.C. §416), or the  
3 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or  
4 is rated as having a 60% disability or higher pursuant to any federal  
5 law administered by the United States Veterans' Act. For purposes of  
6 this paragraph "blindness" means central visual acuity of 20/200 or less  
7 in the better eye with the use of a correcting lens. An eye which is  
8 accompanied by a limitation in the fields of vision such that the widest  
9 diameter of the visual field subtends an angle no greater than 20  
10 degrees shall be considered as having a central visual acuity of 20/200  
11 or less.

12 (cf: P.L.1989, c.223, s.1)

13

14 <sup>3</sup>2. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read  
15 as follows:

16 4. a. Every municipal agency shall adopt and may amend  
17 reasonable rules and regulations, not inconsistent with this act or with  
18 any applicable ordinance, for the administration of its functions,  
19 powers and duties, and shall furnish a copy thereof to any person upon  
20 request and may charge a reasonable fee for such copy. Copies of all  
21 such rules and regulations and amendments thereto shall be maintained  
22 in the office of the administrative officer.

23 b. Fees to be charged (1) an applicant for review of an application  
24 for development by a municipal agency, and (2) an appellant pursuant  
25 to section 8 of this act shall be reasonable and shall be established by  
26 ordinance.

27 c. A municipality may by ordinance exempt, according to uniform  
28 standards, charitable, philanthropic, fraternal and religious nonprofit  
29 organizations holding a tax exempt status under the Federal Internal  
30 Revenue Code of 1954 (26 U.S.C. { 501(c) or (d)}) from the payment  
31 of any fee charged under this act.

32 d. A municipality shall exempt a board of education from the  
33 payment of any fee charged under this act.

34 e. A municipality may by ordinance exempt, according to uniform  
35 standards, a disabled person, or a parent or sibling of a disabled  
36 person, from the payment of any fee charged under this act in  
37 connection with any application for development which promotes  
38 accessibility to his own living unit.

39 For the purposes of this subsection, "disabled person" means a  
40 person who has the total and permanent inability to engage in any  
41 substantial gainful activity by reason of any medically determinable  
42 physical or mental impairment, including blindness, and shall include,  
43 but not be limited to, any resident of this State who is disabled  
44 pursuant to the federal Social Security Act (42 U.S.C. §416), or the  
45 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or  
46 is rated as having a 60% disability or higher pursuant to any federal

1 law administered by the United States Veterans' Act. For purposes of  
2 this paragraph "blindness" means central visual acuity of 20/200 or less  
3 in the better eye with the use of a correcting lens. An eye which is  
4 accompanied by a limitation in the fields of vision such that the widest  
5 diameter of the visual field subtends an angle no greater than 20  
6 degrees shall be considered as having a central visual acuity of 20/200  
7 or less.<sup>3</sup>

8 (cf: P.L.1989, c.43, s.1)

9

10 <sup>3</sup>[2.] 3.<sup>3</sup> This act shall take effect on the first day of the sixth  
11 month after enactment.

12

13

14

15

16 Waives construction permit fees for certain residential renovations by  
17 disabled persons.

[Third Reprint]  
ASSEMBLY, No. 265

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN, KAVANAUGH, Felice and Gill

1 AN ACT concerning the waiver of enforcing agency fees in certain  
2 circumstances and amending <sup>3</sup>[P.L.1975, c.217] P.L.1989, c.223  
3 and P.L.1975, c.291<sup>3</sup>.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of <sup>3</sup>[P.L.1975, c.217] P.L.1989, c.223<sup>3</sup>  
9 (C.52:27D-126e) is amended to read as follows:

10 1. Notwithstanding the provisions of the "State Uniform  
11 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or  
12 any rules, regulations or standards adopted pursuant thereto, to the  
13 contrary, the governing body of any municipality which has appointed  
14 an enforcing agency pursuant to the provisions of section 8 of  
15 P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide that no  
16 person shall be charged a construction permit surcharge fee or  
17 enforcing agency fee for any construction, reconstruction, alteration  
18 or improvement designed and undertaken solely to promote  
19 accessibility by **[the handicapped]** disabled persons to an existing  
20 public or private structure or any of the facilities contained therein.

21 <sup>2</sup>**[A]** The ordinance may further provide that a<sup>2</sup> disabled person<sup>3</sup>,  
22 or a parent or sibling of a disabled person,<sup>3</sup> <sup>1</sup>[seeking to promote  
23 accessibility to his own living unit]<sup>1</sup> shall not be required to pay any  
24 municipal fee or charge<sup>3</sup> [, including fees related to site plan review,]<sup>3</sup>  
25 in order to secure a construction permit for any construction,  
26 reconstruction, alteration or improvement <sup>1</sup>which promotes  
27 accessibility<sup>1</sup> to <sup>1</sup>[that] his own living<sup>1</sup> <sup>3</sup>[unit] unit<sup>3</sup>.

28 For the purposes of this section, "**[handicapped]** disabled person"  
29 means a person who has the total and permanent inability to engage in  
30 any substantial gainful activity by reason of any medically determinable

EXPLANATION - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHO committee amendments adopted February 22, 1996.

<sup>2</sup> Assembly floor amendments adopted May 6, 1996.

<sup>3</sup> Senate floor amendments adopted June 20, 1996.

1 physical or mental impairment, including blindness, and shall include,  
2 but not be limited to, any resident of this State who is disabled  
3 pursuant to the federal Social Security Act (42 U.S.C. §416), or the  
4 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or  
5 is rated as having a 60% disability or higher pursuant to any federal  
6 law administered by the United States Veterans' Act. For purposes of  
7 this paragraph "blindness" means central visual acuity of 20/200 or less  
8 in the better eye with the use of a correcting lens. An eye which is  
9 accompanied by a limitation in the fields of vision such that the widest  
10 diameter of the visual field subtends an angle no greater than 20  
11 degrees shall be considered as having a central visual acuity of 20/200  
12 or less.

13 (cf: P.L.1989, c.223, s.1)

14

15 <sup>3</sup>2. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read  
16 as follows:

17 4. a. Every municipal agency shall adopt and may amend  
18 reasonable rules and regulations, not inconsistent with this act or with  
19 any applicable ordinance, for the administration of its functions,  
20 powers and duties, and shall furnish a copy thereof to any person upon  
21 request and may charge a reasonable fee for such copy. Copies of all  
22 such rules and regulations and amendments thereto shall be maintained  
23 in the office of the administrative officer.

24 b. Fees to be charged (1) an applicant for review of an application  
25 for development by a municipal agency, and (2) an appellant pursuant  
26 to section 8 of this act shall be reasonable and shall be established by  
27 ordinance.

28 c. A municipality may by ordinance exempt, according to uniform  
29 standards, charitable, philanthropic, fraternal and religious nonprofit  
30 organizations holding a tax exempt status under the Federal Internal  
31 Revenue Code of 1954 (26 U.S.C. { 501(c) or (d)) from the payment  
32 of any fee charged under this act.

33 d. A municipality shall exempt a board of education from the  
34 payment of any fee charged under this act.

35 e. A municipality may by ordinance exempt, according to uniform  
36 standards, a disabled person, or a parent or sibling of a disabled  
37 person, from the payment of any fee charged under this act in  
38 connection with any application for development which promotes  
39 accessibility to his own living unit.

40 For the purposes of this subsection, "disabled person" means a  
41 person who has the total and permanent inability to engage in any  
42 substantial gainful activity by reason of any medically determinable  
43 physical or mental impairment, including blindness, and shall include,  
44 but not be limited to, any resident of this State who is disabled  
45 pursuant to the federal Social Security Act (42 U.S.C. §416), or the  
46 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or

1 is rated as having a 60% disability or higher pursuant to any federal  
2 law administered by the United States Veterans' Act. For purposes of  
3 this paragraph "blindness" means central visual acuity of 20/200 or less  
4 in the better eye with the use of a correcting lens. An eye which is  
5 accompanied by a limitation in the fields of vision such that the widest  
6 diameter of the visual field subtends an angle no greater than 20  
7 degrees shall be considered as having a central visual acuity of 20/200  
8 or less.<sup>3</sup>

9 (cf: P.L.1989, c.43, s.1)

10

11 <sup>3</sup>[2.] 3.<sup>3</sup> This act shall take effect on the first day of the sixth  
12 month after enactment.

13

14

15

16

17 Waives construction permit fees for certain residential renovations by  
18 disabled persons.

1 law administered by the United States Veterans' Act. For purposes of  
2 this paragraph "blindness" means central visual acuity of 20/200 or less  
3 in the better eye with the use of a correcting lens. An eye which is  
4 accompanied by a limitation in the fields of vision such that the widest  
5 diameter of the visual field subtends an angle no greater than 20  
6 degrees shall be considered as having a central visual acuity of 20/200  
7 or less.

8 (cf: P.L.1989, c.223, s.1)

9  
10 2. This act shall take effect on the first day of the sixth month after  
11 enactment.

12  
13  
14 STATEMENT

15  
16 This bill requires municipalities which enforce the State Uniform  
17 Construction Code to waive construction permit and site plan review  
18 fees for disabled persons seeking to make alterations or improvements  
19 intended to promote accessibility to their own living units.

20 In many cases the labor and materials for renovations, such as  
21 ramps or modified entryways, are donated; however, municipalities  
22 may still require costly building permits to undertake such renovations.  
23 These costs may undermine the ability of the disabled to proceed with  
24 the needed modifications.

25  
26  
27  
28  
29 \_\_\_\_\_  
30 Waives construction permit fees for certain residential renovations by  
disabled persons.



STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 265**

with Assembly Floor Amendments  
(Proposed By Assemblyman BATEMAN)

ADOPTED: MAY 6, 1996

This Assembly amendment clarifies the intent of the bill to permit a waiver of municipal fees and charges, including those related to site plan review, for construction, reconstruction, alteration, or improvement that promotes accessibility to a person's living unit but only if the municipality has already adopted an ordinance providing a waiver of construction permit surcharge or enforcing agency fees for similar purposes.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 265**

with Senate Floor Amendments  
(Proposed By Senator EWING)

ADOPTED: JUNE 20, 1996

These Senate amendments would amend the bill to include the parents and siblings of disabled persons as additional individuals eligible under the bill for waivers of certain construction related fees. The amendments would also make two changes and add one additional section required for technical reasons.

The new section to be added is section 2 of these amendments which would amend the "Municipal Land Use Law," P.L.1975, c.291 et seq. (C40:55D-1) to make clear that any exemption, made possible by this bill, from fees would also apply to site plan review fees and other fees required by the "Municipal Land Use Law."

Without these amendments, only disabled persons would be eligible under the bill for fee waivers.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

**[First Reprint]**

**ASSEMBLY, No. 265**

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No. 265 (1R).

Assembly Bill No. 265 (1R) requires municipalities which enforce the State Uniform Construction Code to waive construction permit and site plan review fees for disabled persons seeking to make alterations or improvements intended to promote accessibility to their own living units. "Disabled" is defined in the bill to mean a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and includes, but is not limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C. §416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act.

In many cases the labor and materials for renovations, such as ramps or modified entryways, are donated; however, municipalities may still require costly building permits to undertake such renovations. These costs may undermine the ability of the disabled to proceed with the needed modifications.

### FISCAL IMPACT:

A fiscal note has not yet been prepared on this bill. However, in the fiscal note on a similar bill last session (A-2060), the Department of Community Affairs stated that the bill will have no effect on State funds. The language of the bill refers only to municipal fees and charges for a fee-supported activity. The amount of these types of fee waivers cannot be determined. Any cost would probably be passed on in the form of higher fees to other permit applicants.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 265**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1996

The Assembly Housing Committee reports favorably Assembly Bill No. 265, with committee amendments.

This bill, as amended, requires municipalities which enforce the State Uniform Construction Code to waive construction permit and site plan review fees for disabled persons seeking to make alterations or improvements intended to promote accessibility to their own living units. "Disabled" is defined in the bill to mean a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and includes, but is not limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C. §416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act.

In many cases the labor and materials for renovations, such as ramps or modified entryways, are donated; however, municipalities may still require costly building permits to undertake such renovations. These costs may undermine the ability of the disabled to proceed with the needed modifications.

The committee amended the bill to clarify that the fee waiver is limited to construction which promotes accessibility to a living unit of a disabled person.

This bill was pre-filed for introduction in the 1996-1997 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 265**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 1996

The Senate Community Affairs Committee reports Assembly Bill No. 265 (2R).

Assembly Bill No. 265 (2R) permits municipalities which enforce the State Uniform Construction Code to waive any municipal fee or charge including site plan review fees for disabled persons for any construction, reconstruction, alteration, or improvement which promotes accessibility to their own living units. "Disabled" is defined in the bill to mean a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and includes but is not limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C. §416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act.

In many cases the labor and materials for renovations, such as ramps or modified entryways, are donated; however, municipalities may still require costly building permits to undertake such renovations. These costs may undermine the ability of the disabled to proceed with the needed modifications.